AO 441 (Rev. 5/85) Third Party summons in a Civil Action

# United States District Court

## *Northern District of Oklahoma*

STATE OF OKLHOAMA, ex rel., et al.
**PLAINTIFF**

v.

TYSON FOODS, INC. et al.
**DEFENDANTS AND THIRD-PARTY PLAINTIFFS**

v.

City of Tahlequah, et al.
**THIRD PARTY DEFENDANTS**

THIRD PARTY SUMMONS IN A CIVIL ACTION

**CASE NUMBER: 05-CV-0329-** TCK-SJA

To: **Austin L. Bennett d/b/a**
**Eagle Bluff Resort**
**9800 Highway 10,**
**Tahlequah OK 74445**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

**PLAINTIFF ATTORNEY**

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
Riggs Abney Neal Turpen Orbison & Lewis
502 West 6th Street
Tulsa, OK 74119-1010

**DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:**

A. Scott McDaniel
Joyce, Paul & McDaniel PLLC
1717 South Boulder, Suite 200
Tulsa, OK 74119
For Peterson Farms

Robert W. George
Kutack Rock LLP
The Three Sisters Building
214 West Dickson Street
Fayetteville, AR 72701-5221
For Tyson Foods, Inc.

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables
201 Robert S. Kerr Ave., Suite 600
Oklahoma City, OK 73102
For Willow Brook Foods, Inc.

Robert P. Redemann
Lawrence W. Zeringue
David C .Senger
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC
P. O. Box 1710
Tulsa, OK 74101-1710
For Cal-Maine Foods, Inc.

George W. Owens
Randall E. Rose
The Owens Law Firm, P.C.
234 West 13th Street
Tulsa, OK 74119
For George's Inc.

John R. Elrod
Vicki Bronson
Conner & Winters, P.C.
100 West Center Street, Suite 200
Fayetteville, AR 72701
For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi
Clerk

S. MacDonald
(By) DEPUTY CLERK

MAR 1 5 2006
Date

## RETURN OF SERVICE

| | |
|---|---|
| Service of the Summons and complaint was made by me[1] | DATE 3-18-06 |
| NAME OF SERVER (PRINT) Lee Belmonte | TITLE Process Server |

*Check one box below to indicate appropriate method of service*

☑ Served personally upon the third-party defendant. Place where served:

☐ Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☐ Other (specify):

## STATEMENT OF SERVICE FEES

| TRAVEL | SERVICES | TOTAL |
|---|---|---|
| | | |

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 3-18-06
Date

*Signature of Server*

*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.